

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Landscape Architecture Registration Act.

Section 5. Purpose. It is the purpose of this Act to provide for the registration of landscape architects. This Act shall be liberally construed to carry out these objectives and purposes.

Section 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or registrant's registration file as maintained by the Department.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address of record by the Department in the applicant's application file or registrant's registration file as maintained by the Department.

"Landscape architecture" means the art and science of arranging land, together with the spaces and objects upon it,

for the purpose of creating a safe, efficient, healthful, and aesthetically pleasing physical environment for human use and enjoyment, as performed by landscape architects.

"Landscape architectural practice" means the offering or furnishing of professional services in connection with a landscape architecture project that do not require the seal of an architect, land surveyor, professional engineer, or structural engineer. These services may include, but are not limited to, providing preliminary studies; developing design concepts; planning for the relationships of physical improvements and intended uses of the site; establishing form and aesthetic elements; developing those technical details on the site that are exclusive of any building or structure; preparing and coordinating technical submissions; and conducting site observation of a landscape architecture project.

"Registered landscape architect" means a person who, based on education, experience, and examination in the field of landscape architecture, is registered under this Act.

"Secretary" means the Secretary of Financial and Professional Regulation. The Secretary may designate his or her duties under this Act to a designee of his or her choice, including, but not limited to, the Director of Professional Regulation.

Section 15. Title.

(a) No person shall use the title "registered landscape architect" or "landscape architect" without being so registered by the Department.

(b) Nothing in this Act shall be construed as preventing or restricting the offering, advertising, or providing of services defined as landscape architecture practice under this Act by an individual not registered under this Act.

Section 20. Seal.

(a) Every registered landscape architect shall have a reproducible seal, which may be computer generated, the impression of which shall contain the name of the registered landscape architect, the registered landscape architect's registration number, and the words "Registered Landscape Architect, State of Illinois". The registered landscape architect shall be responsible for his or her seal and signature as defined by rule.

(b) Notwithstanding the requirements of this Section, an architect, land surveyor, professional engineer, or structural engineer licensed by the Department shall be permitted to affix his or her seal to any plans, specifications, and reports prepared by or under his or her supervision in connection with the incidental practice of landscape architecture.

Section 23. Technical submissions.

(a) As used in this Section, "technical submissions" includes the designs, drawings, and specifications that establish the scope of a landscape architecture project; the standard of quality for materials, workmanship, equipment, and systems; and the studies and other technical reports and calculations prepared in the course of the practice of landscape architecture.

(b) A registered landscape architect shall not exercise authority in preparing technical submissions that require the involvement of an architect, professional engineer, structural engineer, or professional land surveyor licensed in Illinois.

(c) The registered landscape architect who has contract responsibility shall seal a cover sheet of the technical submissions and those individual portions of the technical submissions for which the registered landscape architect is legally and professionally responsible.

Section 25. Display of registration. Every holder of a registered landscape architect registration shall display his or her certificate of registration in a conspicuous place in his or her principal office, place of business, or place of employment.

Section 30. Address of record; email address of record. All applicants and registrants shall:

(1) provide a valid address and email address to the

Department, which shall serve as the address of record and email address of record, respectively, at the time of application for registration or renewal of registration; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department.

Section 33. Registered Landscape Architecture Registration Board.

(a) The Secretary shall appoint a Registered Landscape Architecture Registration Board. The Board shall consist of 5 persons who shall serve in an advisory capacity to the Secretary. All members of the Board shall be residents of Illinois. Four members shall be registered under this Act and have not been disciplined within the last 10-year period under this Act or the Illinois Landscape Architecture Act of 1989. In addition to the 4 registered landscape architects, there shall be one public member. The public member shall be a voting member and shall not be registered under this Act or licensed under any other design profession licensing Act that the Department administers.

(b) Board members shall serve 5-year terms and until their successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary

shall give due consideration to recommendations by members and organizations of the landscape architecture profession.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) An appointment to fill a vacancy for the unexpired portion of the vacated term shall be made in the same manner as an initial appointment.

(g) Three members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may terminate the appointment of any member for cause that, in the opinion of the Secretary, reasonably justified such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(i) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses.

(j) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

Section 34. Powers and duties of the Board.

(a) The Board shall hold at least one meeting each year, conducted in accordance with the Open Meetings Act.

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be registered landscape architects.

(c) The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act, including qualifications of applicants for registration.

Section 35. Powers and duties of the Department. The Department shall exercise, subject to the provisions of this Act, the following functions, powers, and duties:

(1) Authorize examinations to ascertain the fitness and qualifications of applicants for registration and pass upon the qualifications and fitness of applicants for registration by endorsement.

(2) Adopt rules and regulations required for the administration of this Act.

(3) Conduct hearings on proceedings to refuse to issue, renew, or restore registrations, revoke, suspend, place on probation, or reprimand persons registered under provisions of this Act.

(4) Adopt rules to establish what constitutes an approved landscape architecture program.

(5) Adopt rules to establish what constitutes landscape architecture experience.

(6) Issue certificates of registration to those who meet the requirements of this Act.

(7) Conduct investigations related to possible violations of this Act.

Section 40. Application for registration.

(a) Applications for registration shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, enables the Department to pass on the qualifications of the applicant for registration as a registered landscape architect. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

(b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 45. Qualifications for registration.

(a) To qualify for registration as a registered landscape architect, each applicant shall:

(1) provide proof of graduation from an approved

landscape architecture program as approved by rule;

(2) provide proof of experience for registration as approved by rule; and

(3) provide proof of successful passage of an examination as approved by rule.

(b) Upon payment of the required fee and meeting other requirements as determined by rule, an applicant who is actively registered or licensed as a landscape architect under the laws of another jurisdiction of the United States may, without examination, be granted registration as a registered landscape architect by the Department.

Section 50. Registration, renewal, and restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be established by rule. A registrant may renew a certificate of registration during the month preceding its expiration date by paying the required fee.

(b) A registered landscape architect who has permitted his or her registration to expire or has had his or her registration placed on inactive status may have his or her registration restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her registration restored, including, but not limited to, sworn evidence certifying active lawful practice in another jurisdiction satisfactory to the

Department and by paying the required fee as determined by rule.

(c) A registered landscape architect whose registration expired while engaged (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have a registration restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education and the Department is furnished with satisfactory evidence that the registrant has been so engaged in the practice of landscape architecture and that such service, training, or education has been so terminated.

Section 55. Prior registrations under the Illinois Landscape Architecture Act of 1989. A person who was actively registered under the Illinois Landscape Architecture Act of 1989 and had renewed his or her registration before January 1, 2020, may have his or her registration restored without fee upon the effective date of the rules adopted under this Act.

Section 60. Inactive status.

(a) A person registered under this Act who notifies the

Department in writing on forms or electronically as prescribed by the Department may elect to place his or her registration on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing on forms or electronically as prescribed by the Department of his or her desire to resume active status.

(b) Any registrant whose registration is on inactive status shall not use the title "registered landscape architect" or "landscape architect" in the State of Illinois.

(c) Any registrant who uses the title "registered landscape architect" or "landscape architect" while his or her registration is inactive shall be considered to be using the title without a registration that shall be grounds for discipline under this Act.

Section 65. Fees. The Department shall establish by rule a schedule of fees for the administration and maintenance of this Act. These fees are not refundable.

Section 70. Disposition of funds. All of the fees collected as authorized under this Act shall be deposited into the General Professions Dedicated Fund. The moneys deposited into the General Professions Dedicated Fund may be used for the expenses of the Department in the administration of this Act. Moneys from the Fund may also be used for direct and

allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law.

Section 75. Advertising. Any person registered under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered provided that such advertising is truthful and not misleading.

Section 80. Violation; injunction; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of any county in which the action is brought, petition for an order enjoining such violation and for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and

penalties provided by this Act.

(b) Whoever holds himself or herself out as a "registered landscape architect", "landscape architect", or any other name or designation that would in any way imply that he or she is able to use the title "registered landscape architect" or "landscape architect" without being registered under this Act shall be guilty of a Class A misdemeanor, and for each subsequent conviction shall be guilty of a Class 4 felony.

Section 85. Grounds for discipline.

(a) The Department may refuse to issue or to renew a certificate of registration, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or nondisciplinary action the Department may deem proper, including fines not to exceed \$10,000 for each violation, with regard to any certificate of registration issued under this Act, for any one or combination of the following reasons:

(1) Material misstatement in furnishing information.

(2) Negligent or intentional disregard of this Act or rules adopted under this Act.

(3) Conviction of or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is

(i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) any crime that is directly related to the practice of landscape architecture.

(4) Making any misrepresentations for the purpose of obtaining a certificate of registration.

(5) Professional incompetence or gross negligence in the rendering of landscape architectural services.

(6) Aiding or assisting another person in violating any provision of this Act or any rules and regulations issued pursuant to this Act.

(7) Failing to provide information within 60 days in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(9) Habitual or excessive use or abuse of drugs defined by law as controlled substances, alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or

association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(12) A finding by the Department that the registrant, after having the registration placed on probationary status, has violated or failed to comply with the terms of probation.

(13) A finding by the Department that the registrant has failed to pay a fine imposed by the Department.

(14) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the registrant has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(15) Solicitation of professional services by using false or misleading advertising.

(16) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability.

(17) Using or attempting to use an expired, inactive, suspended, or revoked registration, or the seal of another registrant, or impersonating another registrant.

(18) Signing, affixing, or allowing the registered landscape architect's seal to be affixed to any plans not prepared by the registered landscape architect or under the registered landscape architect's supervision.

(b) The Department may refuse to issue or may suspend the registration of any person who fails to file a return, fails to pay the tax, penalty, or interest showing in a filed return, or fails to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until any such tax Act are satisfied.

(c) The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code shall operate as a suspension of that registration. That person may resume using the title "registered landscape architect" or "landscape architect" only upon a finding by the Department that he or she has been determined to be no longer subject to involuntary admission by the court and meeting the requirements for restoration as required by this Act and its rules.

Section 90. Investigation; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a certificate of registration under this Act.

(b) The Department shall, before disciplining an applicant or registrant, at least 30 days prior to the date set for the hearing, (i) notify in writing the applicant or registrant of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or registrant to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant or registrant that failure to file a written answer to the charges will result in a default judgment being entered against the applicant or registrant.

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or registrant at their address of record or email address of record.

(d) At the time and place fixed in the notice, the hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The hearing officer may continue the hearing from time to time.

(e) In case the registrant or applicant, after receiving the notice, fails to file an answer, their registration may, in the discretion of the Secretary, be suspended, revoked, placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including

limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

Section 95. Record of proceedings.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings in which a registrant may have their registration revoked or suspended or in which the registrant may be placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the registration when a disciplinary action is authorized under this Act and rules issued pursuant to this Act. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of

any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

Section 100. Subpoenas; depositions; oaths.

(a) The Department has the power to subpoena and bring before it any person and to take testimony either orally, by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in circuit courts of this State.

(b) The Secretary and the designated hearing officer have the power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

Section 105. Compelling testimony. Any court, upon the application of the Department, designated hearing officer, or the applicant or registrant against whom proceedings under Section 85 of this Act are pending, may, enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 110. Hearing; motion for rehearing.

(a) The hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence

produced by the registrant. At the conclusion of the hearing, the hearing officer shall present to the Secretary a written report of his or her findings of fact, conclusions of law, and recommendations.

(b) At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or registrant, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the applicant or registrant may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the hearing officer. If the applicant or registrant orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or registrant.

(c) If the Secretary disagrees in any regard with the report of the hearing officer, the Secretary may issue an order contrary to the hearing officer's report.

(d) If the Secretary is not satisfied that substantial

justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

Section 115. Appointment of a hearing officer. The Secretary has the authority to appoint an attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a registration or to discipline an applicant or registrant. The hearing officer shall have full authority to conduct the hearing.

Section 120. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary; and

(2) the Secretary is appointed and qualified.

Section 125. Restoration of suspended or revoked registration.

(a) At any time after the successful completion of a term

of probation, suspension, or revocation of a registration under this Act, the Department may restore it to the registrant unless after an investigation and hearing the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the registrant prior to restoring his or her registration.

(c) No person whose registration has been revoked as authorized in this Act may apply for restoration of that registration until such time as provided for in the Civil Administrative Code of Illinois.

(d) A registration that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a registration restoring their registration from suspension or revocation must comply with the requirements for restoration as set forth in Section 50 of this Act and any rules adopted pursuant to this Act.

Section 130. Surrender of registration. Upon the revocation or suspension of any registration, the registrant shall immediately surrender his or her certificate of registration to the Department. If the registrant fails to do so, the Department has the right to seize the certificate of registration.

Section 135. Administrative Review Law; venue.

(a) All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court, file any answer in court, or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department.

(d) Failure on the part of the plaintiff to file a receipt of the plaintiff's payment to the Department as specified in subsection (c) of this Section in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the accused by the Department shall remain in full force and effect.

Section 140. Confidentiality. All information collected by the Department in the course of an examination or

investigation of a registrant or applicant, including, but not limited to, any complaint against a registrant filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a registrant by the Department or any order issued by the Department against a registrant or applicant shall be a public record, except as otherwise prohibited by law.

Section 145. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the registrant has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the registration is specifically excluded. The Department

shall not be required to annually verify email addresses as specified in paragraph (a) of subsection (2) of Section 10-75 of the Illinois Administrative Procedure Act. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the address of record or emailed to the email address of record.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.37 as follows:

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027.
The following are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

The Landscape Architecture Registration Act.

(Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16; 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; 100-201, eff. 8-18-17; 100-372, eff. 8-25-17.)

Section 905. The Park District Code is amended by changing

Section 8-50 as follows:

(70 ILCS 1205/8-50)

Sec. 8-50. Definitions. For the purposes of Sections 8-50 through 8-57, the following terms shall have the following meanings, unless the context requires a different meaning:

"Delivery system" means the design and construction approach used to develop and construct a project.

"Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act and the principles of competitive selection.

"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying, and related services as required, and the labor, materials, equipment, and other construction services for the project.

"Design-build contract" means a contract for a public project under this Act between any park district and a design-build entity to furnish architecture, engineering, land surveying, landscape architecture, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the park district to make modifications in the project scope without invalidating the

design-build contract.

"Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.

"Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Illinois Professional Land Surveyor Act of 1989.

"Evaluation criteria" means the requirements for the separate phases of the selection process for design-build proposals as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

"Landscape architect design professional" means any

person, sole proprietorship, or entity including, but not limited to, a partnership, professional service corporation, or corporation that offers services under the Landscape Architecture Registration Act ~~Illinois Landscape Architecture Act of 1989~~.

"Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

"Request for proposal" means the document used by the park district to solicit proposals for a design-build contract.

"Scope and performance criteria" means the requirements for the public project, including, but not limited to: the intended usage, capacity, size, scope, quality, and performance standards; life-cycle costs; and other programmatic criteria that are expressed in performance oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

(Source: P.A. 97-349, eff. 8-12-11.)

Section 910. The Chicago Park District Act is amended by changing Section 26.10-4 as follows:

(70 ILCS 1505/26.10-4)

Sec. 26.10-4. Definitions. The following terms, whenever used or referred to in this Act, have the following meaning

unless the context requires a different meaning:

"Delivery system" means the design and construction approach used to develop and construct a project.

"Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act (50 ILCS 510/) and the principles of competitive selection.

"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

"Design-build contract" means a contract for a public project under this Act between the Chicago Park District and a design-build entity to furnish architecture, engineering, land surveying, landscape architecture, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the Chicago Park District to make modifications in the project scope without invalidating the design-build contract.

"Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A

design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.

"Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989 (225 ILCS 305/), the Professional Engineering Practice Act of 1989 (225 ILCS 325/), the Structural Engineering Practice Act of 1989 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330/).

"Landscape architect design professional" means any person, sole proprietorship, or entity such as a partnership, professional service corporation, or corporation that offers services under the Landscape Architecture Registration Act ~~Illinois Landscape Architecture Act of 1989~~.

"Evaluation criteria" means the requirements for the separate phases of the selection process for design-build proposals as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

"Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

"Request for proposal" means the document used by the Chicago Park District to solicit proposals for a design-build contract.

"Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

"Guaranteed maximum price" means a form of contract in which compensation may vary according to the scope of work involved but in any case may not exceed an agreed total amount. (Source: P.A. 96-777, eff. 8-28-09; 96-1000, eff. 7-2-10.)

Section 915. The Professional Geologist Licensing Act is amended by changing Section 20 as follows:

(225 ILCS 745/20)

(Section scheduled to be repealed on January 1, 2026)

Sec. 20. Exemptions. Nothing in this Act shall be construed to restrict the use of the title "geologist" or

similar words by any person engaged in a practice of geology exempted under this Act, provided the person does not hold himself or herself out as being a Licensed Professional Geologist or does not practice professional geology in a manner requiring licensure under this Act. Performance of the following activities does not require licensure as a licensed professional geologist under this Act:

(a) The practice of professional geology by an employee or a subordinate of a licensee under this Act, provided the work does not include responsible charge of geological work and is performed under the direct supervision of a Licensed Professional Geologist who is responsible for the work.

(b) The practice of professional geology by officers and employees of the United States government within the scope of their employment.

(c) The practice of professional geology as geologic research to advance basic knowledge for the purpose of offering scientific papers, publications, or other presentations (i) before meetings of scientific societies, (ii) internal to a partnership, corporation, proprietorship, or government agency, or (iii) for publication in scientific journals, or in books.

(d) The teaching of geology in schools, colleges, or universities, as defined by rule.

(e) The practice of professional geology exclusively

in the exploration for or development of energy resources or base, precious and nonprecious minerals, including sand, gravel, and aggregate, that does not require, by law, rule, or ordinance, the submission of reports, documents, or oral or written testimony to public agencies. Public agencies may, by law or by rule, allow required oral or written testimony, reports, permit applications, or other documents based on the science of geology to be submitted to them by persons not licensed under this Act. Unless otherwise required by State or federal law, public agencies may not require that the geology-based aspects of testimony, reports, permits, or other documents so exempted be reviewed by, approved, or otherwise certified by any person who is not a Licensed Professional Geologist. Licensure is not required for the submission and review of reports or documents or the provision of oral or written testimony made under the Well Abandonment Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land Conservation and Reclamation Act, or the Surface-Mined Land Conservation and Reclamation Act.

(f) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(g) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989.

(h) The practice of architecture as defined in the

Illinois Architecture Practice Act of 1989.

(i) The practice of land surveying as defined in the Illinois Professional Land Surveyor Act of 1989.

(j) The practice of landscape architecture as defined in the Landscape Architecture Registration Act ~~Illinois Landscape Architecture Act of 1989~~.

(k) The practice of professional geology for a period not to exceed 9 months by any person pursuing a course of study leading to a degree in geology from an accredited college or university, as set forth in this Act and as established by rule, provided that (i) such practice constitutes a part of a supervised course of study, (ii) the person is under the supervision of a geologist licensed under this Act or a teacher of geology at an accredited college or university, and (iii) the person is designated by a title that clearly indicates his or her status as a student or trainee.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

Section 920. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

Sec. 5-5-5. Loss and restoration of rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this

Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure

and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate

of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Boxing and Full-contact Martial Arts Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Registered Interior Designers Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Landscape Architecture Registration Act ~~Illinois Landscape Architecture Act of 1989~~;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(14) the Real Estate License Act of 2000;

- (15) the Illinois Roofing Industry Licensing Act;
 - (16) the Professional Engineering Practice Act of 1989;
 - (17) the Water Well and Pump Installation Contractor's License Act;
 - (18) the Electrologist Licensing Act;
 - (19) the Auction License Act;
 - (20) the Illinois Architecture Practice Act of 1989;
 - (21) the Dietitian Nutritionist Practice Act;
 - (22) the Environmental Health Practitioner Licensing Act;
 - (23) the Funeral Directors and Embalmers Licensing Code;
 - (24) (blank);
 - (25) the Professional Geologist Licensing Act;
 - (26) the Illinois Public Accounting Act; and
 - (27) the Structural Engineering Practice Act of 1989.
- (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)

Section 999. Effective date. This Act takes effect upon becoming law.